

**BOROUGH OF WESTWOOD  
PLANNING BOARD MINUTES  
PUBLIC MEETING AGENDA  
REGULAR MEETING  
SEPTEMBER 23, 2010**

**1. OPENING OF THE MEETING**

The meeting was called to order at approximately 8:00 p.m.

Open Public Meetings Law Statement:

This meeting, which conforms with the Open Public Meetings Law, Chapter 231, Public Laws of 1975, is a Regular Meeting of the Planning Board.

Notices have been filed with our local official newspapers and posted on the municipal bulletin board.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL:**

**PRESENT:** Mayor Birkner  
Jaymee Hodges, Chairman  
William Martin (arrived 9:35 pm)  
Richard Bonsignore  
Ann Costello  
Councilwoman Cynthia Waneck  
James Schluter, Vice-Chairman  
Daniel Olivier (Alt. #1)

**ALSO PRESENT:**

Thomas Randall, Esq., Board Attorney  
By James Stevens, Esq.  
Ed Snieckus, Burgis Associates, Board Planner  
Louis Raimondi, Brooker Engineering,  
Board Engineer

**ABSENT:** Thomas Constantine (excused absence)  
Philip Cerruti (excused absence)  
Otokar von Bradsky (Alt. #2) (excused absence)

Vice-Chairman Schluter opened the meeting.

**4. MINUTES:** The Minutes of **8/12/10** were approved on motion made by Ms. Costello, seconded by Mr. Bonsignore and carried.

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**5. CORRESPONDENCE:**

1. Registration Form for the 2010 Land Use Committee Symposium;
2. Memo from Ed Snieckus, Burgis Associates dated 9/23/10 RE:9 Van Buren Associates (Academy Electric);
3. Memo from Burgis Associates dated 9/21/10 RE: Misha;

**6. RESOLUTIONS:** None

**7. VOUCHERS:** A motion to approved vouchers totaling \$8,297.93 was made by Ms. Costello, seconded by Mayor Birkner and carried.

**8. PENDING NEW BUSINESS:** None

**9. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS:**

**SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS**

**1. Misha, 266 Fourth Avenue, Block 21101, Lot 2** -Mr. Hodges recused himself and stepped down from the dais; Mr. Schluter chaired. The Board Professionals were sworn in by Board Attorney Stevenson. Attorney Rehill represented the applicant. Mr. Stevenson advised that the matter was remanded back to the Planning Board by the Superior Court. Mr. Rehill spoke regarding the slight rotation of the buildings. Mr. Snieckus reviewed his report dated 9/21/10, which included two studies. Study #1 had to do with lot line rotation and Study #2 with building rotation. Mr. Snieckus' Memo listed unresolved items. Mr. Raimondi would expand upon the grading and drainage plans being proposed. Mr. Raimondi commented these plans indicate a rectangular box as the house and that he assumed the house would have offsets. The last plan was revised to 5/17/08. Mr. Snieckus commented regarding Item #3 of his report, regarding limit of clearing and preservation of existing vegetation.

Questions by the Board followed. Councilwoman Waneck inquired who would be eligible to vote, and Mr. Stevenson responded all Members were eligible to vote any way they choose, as this is a new motion. Mr. Bonsignore asked if there were a time limit on the Court's action, as he would like to review the drawings. The Board referred to their planner's comments

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regarding unresolved items. The matter was opened to the public, but there were no questions.

Mr. Schluter commented he would ask for a motion on whether to rotate the building. Mr. Bonsignore questioned what they were voting on. Mr. Stevens advised the variances applied with the Court's determination of law. Mr. Bonsignore made a motion for approval in accordance with the parameters set by the Court's remand, as well as the documents last reviewed before the Court action of 5/17/08. The motion was seconded by Ms. Costello. On roll call vote, Ms. Costello, Mr. Bonsignore and Mr. Schluter voted yes. Mayor Birkner, Mr. Olivier and Councilwoman Waneck voted no.

Chairman Hodges returned to the dais at approx. 8:55 p.m.

**2. Application of 9 Van Buren Associates, LLC (Academy Electric), 20 Carver Avenue, Block 2011, Lots 10 & 11- Site Plan and Minor Subdivision** - Ira Weiner, Esq. represented the applicant, appearing on behalf of John J. Lamb, Esq. Mr. Weiner acknowledged receipt of the Burgis Report by Ed Snieckus, dated 9/23/10, based on supplemental architectural plans submitted. The Shade Tree letter was received by Mr. Hodges. Daniel O'Brien, Principal of 9 Van Buren Associates, LLC, was sworn in and gave the history of his electrical contracting business across the street from the subject premises. Their property size is less than the capacity they need for the business, and they are looking to expand the business and move to a larger facility. More storage space is needed, as well as office space, and a loading dock. They want to continue the exact business that they have now. There will be 10 employees, including himself. Installing standby generators is their main business, and they formed another company for this purpose. There will be no retail at the site, just a warehouse and stock areas, so there will be no pedestrian traffic. The new facility will be two stories high, housing a warehouse and an office measuring 60' x 60'. There would be a mezzanine and second floor. It would be aesthetically pleasing. Mr. O'Brien said he went to see all the residential neighbors, and they were in support of the plan. Six small service trucks would be parked on site. The site is stocked in the morning, so employees can park their cars, take the items they need, and depart in the trucks for the work day. They also have a certified arborist/tree expert, William Murtagh of Westwood, to testify.

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They have a letter and could send it to the Shade Tree Committee. They are willing to work with the Board on the trees, and they want to make it look nice.

The applicant continued. There will be a dumpster in the front yard, which they need a waiver for since dumpsters are not permitted in the front yard. Applicant said the problem is they have two front yards. The building will be constructed on a dead end section of Carver Avenue, where there is no vehicular traffic. There will be a fence, so the dumpster it will not be seen. He would be willing to comply with what the Board says. Very good insulation will eliminate the noise. Mr. Raimondi questioned the area on the East side of building and parking against the building. Mr. Hodges commented there is no fire department restriction and asked if they intended to illuminate the rear lot toward the building. The response was yes, if they do the parking lot lighting, every evening the residential neighbors to the South will see a flowing illumination light. Mr. Hodges was concerned about the impact on them.

Questions by the Board followed regarding the trucks and the number of generators outside, which was reported as 13. A photo of the truck was marked A2.

Richard Eichenlaub, CE, RL Engineering, was sworn in and gave an overview of the Site Plan prepared by him, dated 4/22/10, consisting of 7 sheets. Mr. Eichenlaub testified the site is a vacant piece of property with overgrown vegetation, on Carver Street between Van Buren and Hoper Ave. Two test pits were performed. Sheet 3 of 7 was the layout sheet with a proposal to erect a 35,340 sq. ft. masonry, building. A parking lot between Carver and Van Buren is also proposed. There would be a loading dock on the northwest corner and an area for generators, service trucks and a parking area for employees. There are two means of ingress and egress, one at the northwest corner and the second along Carver. The parking area is fully paved with a walkway in front to Carver. Underground utilities will provide electrical to and from a pole. A drainage system is proposed to be installed with catch basins and safety valves. They had to fill in the back of the property to meet the garage doors at grade since it drops off 1-1/2'. First floor will be 3090 sq. ft. of warehouse space, with a display area of 510 sq. ft. The Second floor is office space of 1,740 sq. ft. The FAR is 24.07%, which is below the applicable in the zone.

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The proposed variances are for a parking setback of 3.5' where 10' is required; off-street loading space dimension of 10' x 30' where a minimum of 12' x 35' is required, and for an outdoor storage area where one is prohibited. The application requests waivers for a loading area in the front yard and a dumpster in the front yard, where they are not permitted.

Mr. Eichenlaub described the landscaping plan, which proposed to remove 12 trees and the installation of six trees along Carver Avenue. Mr. Snieckus commented per his report dated 9/23/10 and questioned Mr. Eichenlaub as to the landscaping plan, lighting and then traffic circulation. Concern was expressed about removal of trees and possible preservation. Mr. Eichenlaub explained the lot is really being used by the applicant and his employees. Mr. Snieckus commented reduced level lighting would require a waiver. Mr. Weiner responded they are perfectly willing to meet the standard and abide by what the Board wants. Mr. Snieckus suggested a grouping design of trees, a landscaping buffer and screening.

Mr. Raimondi reviewed his report dated 8/27/10 with concern expressed about trailer trucks backing in along Van Buren to get to the northerly door. The applicant responded most trucks are the shorter ones that go around town, not 55' in length. Mr. Raimondi asked for the turning radius to be delineated on the plan. He questioned where the truck would be when taking things off with a fork lift. Mr. O'Brien responded the loading dock will be on the North side of the building. The property is 4' higher than the grad. On the south side they are able to drive in and out. Mr. Raimondi commented per his report that the contractor shall ensure that the footings and foundations are placed on bearing material. Also, applicant's site engineer is contact the Borough DPW regarding the location of the sanitary sewer, which was indicated as done by the applicant. He asked if there would be equipment on the food, and two small air conditions were proposed. Mr. Raimondi recommended an easement for future corner rounding be granted to the Borough for the northeast corner of the property at the intersection of Van Buren and Carver. Also, a site triangle easement was suggested. Mr. Raimondi commented 11 trees were proposed for removal along Carver due to their health and requested this be confirmed. The utility should be notified as to the manhole that is filled with water at the northwest corner of the site. He continued with

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drainage review. It was also stated that applicant was not yet the owner, but the contract purchaser.

Questions by the Board of Mr. Eichenlaub followed concerning the fencing, loading dock, forklift and drainage. Ms. Costello had questions about the fence. Mr. Martin expressed concern about the size of the loading dock being only 2'. He asked about air handlers, and the response was the handlers were inside and the condensers were outside on the roof. Mayor Birkner asked how the water detention system would work. Mr. Eichenlaub explained water goes to the catch basin at the northwest corner of the building and is conveyed in a southerly direction to the southwest corner. It is similar to the Goldberg system approved for this site. It works for a 400- year storm. The Mayor asked if there would be any large trucks. Mr. O'Brien responded one 40' flat bed truck. Ms. Waneck commented a different type of fence other than a chain link would be better. Mr. Bonsignore commented there is a significant amount of fill. Mr. Schluter asked if the fork lift could be stored inside, but the response was it would be stored outside.

The matter was opened to the public but there were no questions.

Stanley J. Kufel, Architect, was sworn in, qualified and accepted and testified as to his plans dated 8/3/10, revised to 9/10. Revisions were made to the mansard roof not shown, no larger than the roof now. Mr. Martin commented it resembled a big square block with holes and asked if there was any way of making it more compatible, as it is right across from the residential neighborhood. He requested that more of a design be put into the building. There was a need to soften it up and get away from the black cube design. Mr. Kufel continued. The second floor would not be rented out. Parking requirements were discussed, followed by storage bins and landscaping. Mr. Kufel would come back to the next meeting after the plans were reviewed further.

The matter was opened to the public but there were no questions. Frank Bruno spoke in favor of the applicant, his business and the plan. George Tomko commented the chain link fence has been there for 30 years and there was no problem with it. He added it is grandfathered.

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There were no further questions or discussions due to the lateness of the hour, and the matter was carried to the 10/28/10 meeting.

**10. DISCUSSIONS:**

**1. Ordinance #06-11 - Amendment to LB Zone -** Not heard/  
carried to next meeting.

**11. ADJOURNMENT -** On motions, made seconded and carried, the meeting was adjourned at approx. 11:15 p.m.

**Respectfully submitted,**

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**MARY R. VERDUCCI, Paralegal**  
**Planning Board Secretary**